Planning and Economic Development Committee
REPORT 06-015

AS AMENDED

September 5, 2006
9:30 a.m.
Council Chambers
Hamilton City Hall

Present:
Chair M. Pearson
1st Vice-Chair D. Mitchell
2nd Vice-Chair B. Bratina,
Councillors D. Braden, B. Kelly, B. McHattie, S. Merulla
T. Whitehead

Also Present:
Councillors P. Bruckler, C. Collins, T. Jackson, M. McCarthy

Absent:
Councillor M. Ferguson – Illness

Staff Present:
G. Peace, City Manager
L. Coveyduck, General Manager, Planning & Economic Development
S. McGrath – Standards & Licensing
N. Smith, Legal Services
A. Rawlings, S. Paparella – City Clerk’s Office

THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE PRESENTS
REPORT 06-015 AND RESPECTFULLY RECOMMENDS:

1. Appointment By-law under the Building Code Act, 1992 (PED06341) (City Wide) (Item 5.1)

That the By-law attached to Report PED06341 to amend City of Hamilton By-law No. 05-113 being a By-law to appoint a Chief Building Official, Deputies and Inspectors under Section 3 of the Building Code Act, 1992 be approved.

Council – September 13, 2006
2. Enterprise Zone Municipal Realty Tax Incentive Grant Program Application for 74 Hughson Street South/1 Hunter Street East, Hamilton EZ06/03 (PED06342) (Ward 2) (Item 5.2)

That Application EZ06/03 for the proposed renovation of a vacant 2 storey office building; the construction of an additional storey to the building; and, the reconfiguration of the lands to accommodate new parking areas, located at 74 Hughson Street South/1 Hunter Street East, Hamilton, be approved as an eligible project under the “Enterprise Zone Municipal Realty Tax Incentive Grant Program”.

3. Minor Variance Application DN/A-06:129, 11 ½ York Street (Former Town of Dundas) – Denied by the Committee of Adjustment, (Urban) Supported by the Planning and Economic Development Department (PED06338) (Ward 13) (Item 5.3)

That Report PED06338 respecting Committee of Adjustment Application (Urban) Minor Variance Application DN/A-06:129, Former Town of Dundas, as shown on Appendix ‘A’, denied by the Committee but supported by the Planning and Economic Development Department, be received for information.

4. Committee of Adjustment (Urban) Severance Application HM/B-06:63 and Minor Variance Application HM/A-06:16, for Property Known as 34 Albert Street, Hamilton – Supported by the Planning and Economic Development Department (PED06348) (Ward 3) (Item 5.4)

That Report PED06348 respecting Committee of Adjustment (Urban) Severance Application HM/B-06:63 and Minor Variance Application HM/A-06:16, 34 Albert Street, Hamilton, as shown on Appendix ‘A’ to Report PED06348, denied by Committee, but supported by the Planning and Economic Development Department, be received for information.

5. Declaration of Surplus Property and Sale of 255 West Avenue North, Hamilton, Being Lots 17, 18, 19 and 20 on Plan 286 (PED06352) (Ward 3) (Item 5.5)

(a) That the City lands and building identified as 255 West Avenue North, being composed of Lots 17, 18, 19 and part of Lots 20 and 21 on Plan 286, having a frontage of 59.43 metres (195.0 feet) more or less along the western limit of West Avenue North and a depth of 42.67 metres (140.0 feet) more or less, comprising an area of 0.24 hectares (0.63 acres) more or less, PIN #17183-0085LT, (as shown on Appendix “A” to Report PED06352), known as the former West Avenue Public School, be declared
surplus to the requirements of the City of Hamilton in accordance with the “Procedural By-law for the Sale of Land”, being By-law No. 04-299.

(b) That the Real Estate Section of the Development and Real Estate Division of the Planning and Economic Development Department, be authorized and directed to offer for sale the subject lands and buildings, at market value, in accordance with the “Procedural By-law for the Sale of Land”, being By-law No. 04-299 and that as a condition of any sale by the City of Hamilton that the school building be subject to a heritage conservation easement.

(c) That the Housing Branch of the Community Services Department, as the Delivery Agent for various Federal and Provincial housing funding initiatives, be advised of the availability of the subject property and that the Real Estate Section will not offer the subject property for sale to the general public until Real Estate is notified by the Housing Branch that there is no interest in the site for affordable housing (response by April 2007).

(d) That the net proceeds of any sale of the property be deposited in the Account No. 47702 3560150200 (Civic Property Purchases and Sales).

6. Request for the Payment of Cash-in-Lieu of Parking for the Property Known as 89 King Street East, (Hamilton) (PED06353) (Ward 2) (Item 5.6)

That approval be given to Cash-in-Lieu of Parking Application CLP-06-01, City of Hamilton, owner, for payment of Cash-in-Lieu for four parking spaces for the property known as 89 King Street East, as shown on Appendix “A” to Report PED06353, subject to the following conditions:

(a) That the owner pays the Cash-in-Lieu sum of $32,000.00 for four parking spaces with the funds to be deposited to Account 48300-490305 (Off-Street Parking Reserve Fund).

(b) That the City Solicitor be authorized and directed to prepare the appropriate Cash-in-Lieu of Parking Agreement to be registered on title of the lands.

7. Option to Purchase, 925, 941 and 0 Nebo Road, Glanbrook, for the Dartnell Road Extension Within the North Glanbrook Industrial Business Park (PED06354) (Ward 11) (Item 5.7)

(a) (i) That an Option to Purchase, executed by Joseph Kozina, Irene Oleksuik, Theresa MacDonald, Edward Oleksuik, Richard Oleksuik, Kimberley Fennema, David Kozina and Jason Kozina on August 1, 2006, and scheduled to close on or before December 14, 2006, for the purchase of
the lands described as: part of Lot 13, Concession 2 of the former geographic Township of Glanford, formerly in the Town of Glanbrook, now in the City of Hamilton, known municipally as 925 Nebo Road, Hamilton (attached as Appendix “A” to Report PED06354), be approved and completed, and the purchase price of $1,329,270.00 be charged to Account No. 59259 5160507001 (North Glanbrook Industrial Business Park Services).

(ii) That an Option to Purchase, executed by Richard John Oleksuik on August 1, 2006, and scheduled to close on or before December 14, 2006, for the purchase of the lands described as: part of Lot 14, Concession 2 of the former geographic Township of Glanford, formerly in the Town of Glanbrook, now in the City of Hamilton, known municipally as 941 Nebo Road, Hamilton (attached as Appendix “B” to Report PED06354), be approved and completed and the purchase price of $242,000.00 be charged to Account No. 59259 5160507001 (North Glanbrook Industrial Business Park Services).

(iii) That an Option to Purchase, executed by Joseph Kozina, Irene Oleksuik, Theresa MacDonald, Edward Oleksuik, Richard Oleksuik, Kimberley Fennema, David Kozina and Jason Kozina on August 1, 2006, and scheduled to close on or before December 14, 2006, for the purchase of the lands described as: part of Lot 14, Concession 2 of the former geographic Township of Glanford, formerly the Town of Glanbrook, now in the City of Hamilton, known municipally as 0 Nebo Road (attached as Appendix “C” to Report PED06354), be approved and completed, and the purchase price of $1,511,150.00 be charged to Account No. 59259 5160507001(North Glanbrook Industrial Business Park Services).

(b) That as consideration, the amount of $2.00, paid to the owner pursuant to the agreement, be deducted from the purchase price as noted in (a) (i), (ii) and (iii).

(c) That the three (3) Options to purchase noted above in (a) (i), (ii) and (iii) shall close concurrently and contemporaneously.

(d) That completion of the Option to Purchase documents, as detailed above in (a) (i), (ii) and (iii), are conditional upon the City of Hamilton being satisfied with the results of an Environmental Assessment to be completed on the properties before the closing date.

(e) That upon the closing date, the City will lease the lands at 925 Nebo Road, as described in (a) (i), back to the property owner at nominal ($2.00) consideration until the earlier of the Owner vacating the premises or November 1, 2007. The owner shall be responsible for paying all costs of utilities, property insurance premiums, minor maintenance and repairs.
(f) That consideration be given to incorporate the name “Kozina” for any future road development within the North Glanbrook Industrial Business Park.

(g) That the Director of Fleet and Facilities Division be authorized and directed to make all the necessary applications for the demolition of all structures located on 925 and 941 Nebo Road.

(h) That the costs for the demolition related to 925 and 941 Nebo Road be charged to Account No. 59259 5160507001. (North Glanbrook Industrial Business Park Services)

(i) That the internal land appraisals and administration costs related to these transactions, in the amount of $3,000, be charged to Account No. 59259 5160507001 and that this amount be credited to the Real Estate Division, Account No. 47702 3560150200.

(j) That the Mayor and Clerk be authorized and directed to execute the necessary documents, in a form satisfactory to Corporate Counsel.

8. Declaration of Surplus Property and Sale of an Easement Affecting City Owned Lands Described as Part 179 Strachan Street East and 367 - 375 Ferguson Avenue North to Union Gas (PED06355) (Ward 2) (Item 5.8)

(a) That the subject lands known municipally as 179 Strachan Street East and 367 - 375 Ferguson Avenue North, being composed of part of Lots 16, 17, 18, 19, 20 and 21 on Plan 89, comprising an approximate width of 6 metres extending from 179 Strachan Street East to 375 Ferguson Avenue North, shown on Appendices “A” and “B” to Report PED06355, be declared surplus to the requirements of the City of Hamilton; and that an easement, at market value, be sold over these affected lands, in accordance with the Procedural By-law for the Sale of Land, being By-law 04-299.

(b) That the net proceeds of the sale be deposited in the Account No. 47702 4030318366 (Mary Street Bridge Project).

(c) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.
9. Declaration of Surplus Property of City Owned Lands Described as Part of Lots 153 and 154 on Plan 463, Municipally Known as 226½ Grosvenor Avenue North (PED06358) (Ward 3) (Item 5.9)

(a) That the subject lands municipally known as 226½ Grosvenor Avenue North, being composed of part of Lots 153 and 154 on Plan 463, comprising an approximate area of 43.8 square metres (473.6 square feet), attached as Appendix "A" to Report PED06358, be declared surplus to the requirements of the City of Hamilton, in accordance with Procedural By-law for the Sale of Land, being By-law 04-299.

(b) That the Real Estate Section of the Development and Real Estate Division of the Planning and Economic Development Department, be authorized and directed to sell the subject lands, at fair market value, in accordance with the “Procedural By-law for the Sale of Land”, being By-Law No. 04-299.

(c) That the net proceeds of the sale be deposited in the Account No. 47702 3560150200 (Civic Property Purchases and Sales).

10. Hamilton Downtown Residential Loan Program, Increase in Loan Commitments for 47 Caroline Street and 66/68 King Street East and Cancellation of Loan Commitments for 92-112 King Street East and 12 Ferguson Avenue (PED06359) (Ward 2) (Item 5.10)

(a) That the conditional loan commitment under the Hamilton Downtown Residential Loan Program for 47 Caroline Street, previously approved in the amount of $940,000 be increased by $79,240 bringing the total loan commitment to $1,019,240 to fund an increase in square footage of habitable floor space within the development project;

(b) That the conditional loan commitment under the Hamilton Downtown Residential Loan Program for 66/68 King Street East, previously approved in the amount of $306,800 be increased by $115,000 bringing the total loan commitment to $421,800 to fund an increase in square footage of habitable floor space within the development project;

(c) That the conditional loan commitment under the Hamilton Downtown Residential Loan Program for 92-112 King Street East, previously approved in the amount of $1,600,000 be cancelled as the project will be solely developed as a hotel;
(d) That the conditional loan commitment under the Hamilton Downtown Residential Loan Program for 12 Ferguson Avenue, previously approved in the amount of $250,000 be cancelled due to the owner not proceeding with the residential development project; and,

(e) That the Mayor and City Clerk be authorized to execute documentation satisfactory to the City Treasurer and City Solicitor required to implement the above recommendations.

11. Demolition Permit – 502 Concession Street (PED06343) (Ward 7) (Item 5.11)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 502 Concession Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

12. Demolition Permit – 123 Chesley Street (PED06344) (Ward 8) (Item 5.12)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 123 Chesley Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

13. Hamilton LACAC (Municipal Heritage Committee) – Minutes from the meeting held on July 27, 2006 (Item 5.13)

That the Minutes from Hamilton LACAC (Municipal Heritage Committee) meeting for July 27, 2006, be received.

14. Ancaster Square Community Information Sign, 300 Wilson Street (PED06384) (Ward 12) (Item 5.14)

That the relevant variances to the Ancaster Sign By-law 95-50 be approved so as to accommodate the proposed location of the Ancaster Square Community Information Sign.
15. **115 Graham Avenue North and 119 Graham Avenue North, Hamilton – Discussion with Owners to Acquire Properties for Future Park Uses (PED06382) (Ward 4) (Item 5.15)**

That Report PED06382 be received for information.  

CARRIED

16. **Application for a Change in Zoning for Lands Known as 973-975 Queenston Road (Stoney Creek) (PED06350) (Wards 5 and 9) (Item 6.1)**

(a) That **Zoning Application ZAR-06-48, by K & H Creek Investments Ltd., owners**, for an amendment to Zoning By-law No. 3692-92 for the former City of Stoney Creek, by modifying the General Commercial “GC-36” Zone by adding a fast food restaurant and outdoor patio as permitted uses, and for an amendment to the City of Hamilton Zoning By-law No. 6593, by modifying the “G/S-1053” and “G/S-1054” (Neighbourhood Shopping Centre, etc.) Districts, by adding a fast food restaurant as an additional permitted use, on the lands known municipally as 973-975 Queenston Road, as shown on Appendix “A” to Report PED06350, be refused.

17. **An Application for a Change in Zoning for the Property Located at 11 Lakeside Drive (Stoney Creek) (PED06227) (Ward 11) (Item 6.2)**

That approval be given to **Zoning Application ZAR-06-46, by Ward Kohlberger, owner**, for a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R1” Zone, to permit the construction of a single detached dwelling for the property located at 11 Lakeside Drive, as shown on Appendix “A” to Report PED06227, on the following basis:

(a) That the subject lands be rezoned from the Neighbourhood Development “ND” Zone to the Single Residential “R1-16” Zone.

(b) That the draft By-law, attached as Appendix “C” to Report PED06227, which has been prepared in a form satisfactory to the City Solicitor, not be enacted by City Council until such time the applicant deeds sufficient lands to the City to establish Lakeside Drive as an 18 metre wide road allowance.

(c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and the City of Stoney Creek Official Plan.
18. Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at the Rear of 819 Rymal Road East (PED06346) (Ward 7) (Item 6.5)

That approval be given to Zoning Amendment Application ZAR-05-108, Frisina Developments Inc., c/o Al Frisina, owner, for changes in zoning from the "AA" (Agricultural) District, to the "C" (Urban Protected Residential, etc.) District, and "C"- ‘H’ (Urban Protected Residential, etc. - Holding) District, to permit the development of the lands for two single detached dwellings for the property located at the rear of 819 Rymal Road East (Hamilton), as shown on Schedule “A” to Appendix “B” of Report PED06346, on the following basis:

(a) That Block "1" be rezoned from the “AA” (Agricultural) District, to the “C” (Urban Protected Residential, etc.) District.

(b) That Block “2” be rezoned from the “AA” (Agricultural) District, to the “C” – ‘H’ (Urban Protected Residential, etc. - Holding) District.

(c) That the amending By-law apply the Holding provisions of Section 36 (1) of the Planning Act, R.S.O., 1990, to Block “2”, as shown on Appendix “A” by introducing the Holding symbol 'H' as a suffix to the proposed Zoning District. The Holding provision will prohibit the development of the subject lands until such time as:

   i) The lands described as Block “2” on Schedule “A” of Appendix “B” are assembled with Block 23, Registered Plan 62M-622 to ensure orderly development with adjacent lands.

   City Council may remove the 'H' symbol and, thereby, give effect to the “C” District provisions, by enactment of an amending By-law once the condition is satisfied.

(d) That the draft By-law, attached as Appendix “B” to Report PED06346, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

(e) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan, and the City of Hamilton Official Plan.
19. **Official Plan Amendments and New Official Plan - Rural Hamilton – Addendum Report, as directed by Committee on June 26, 2006 (PED06207(a)) (City Wide) (Item 7.1)**

(a) That Section 3.0, Special Policy Area C Future Employment Growth District, Volume 3, Chapter A - Rural Special Policy Areas, part of Appendix F, Rural Hamilton Official Plan, to Report PED06207(a), Addendum - Official Plan Amendments and New Official Plan - Rural Hamilton, be deleted and replaced in its entirety with the following revised text:

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“3.0 SPA C-Future Employment Growth District

The lands identified as SPA C on Map A – Special Policy Areas, are generally bounded by the existing Urban Area Boundary adjacent to Upper James Street to the east, White Church and Fiddler’s Green Roads on the south, Garner Road on the west and Glancaster and Twenty Road West on the north. Following a comprehensive growth management study known as GRIDS (Growth Related Integrated Development Strategy), Council has approved SPA C to be the future preferred location of a major employment growth district integrated with the existing Hamilton International Airport, urban land uses and servicing infrastructure within the present Urban Area boundaries.

3.1 The lands identified as SPA C are designated on Schedule D – Rural Land Use Designations, as Agriculture and Rural by this Plan and are subject to all relevant policies pertaining to rural uses. They shall not be construed to be within the Urban Area until such time as a comprehensive amendment has been developed by the City of Hamilton and approved to permit urban uses in all or part of such lands.

3.2 It is recognized that portions of SPA C contain concentrations of existing residential and other land uses incompatible with the industrial, business service and other essential uses associated with an employment growth district. In planning for the employment growth district, the City shall prohibit all new residential, retail commercial or other forms of development that are incompatible with future industrial and employment development objectives for this area.

3.3 The City of Hamilton will not accept nor approve a privately-initiated amendment to this Plan pertaining to SPA C prior to consideration of municipally-initiated studies as set out below and the preparation and final approval of a municipally-initiated comprehensive amendment to permit employment uses in part or all of SPA C.
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As part of the comprehensive amendment process, the City will complete background studies and conduct community planning and public consultation processes including the establishment of a Community Liaison Committee. The background studies and public consultation processes shall assist in identifying the types and layout of future employment land uses, determining land supply and infrastructure requirements, and developing community growth management policies and designations. More specifically, the background studies shall include the following:

a) A comprehensive review and land budget analysis to demonstrate the need for an urban boundary expansion which includes an assessment of occupied and vacant urban land, land use densities and intensification opportunities;

b) Environmental Impact Statements pertaining to the Natural Heritage System as required by applicable Official Plan and provincial policies;

c) Demonstrating that the public infrastructure which is planned or available will be suitable to service the future employment lands over the long term. This infrastructure shall include, but not be limited to, the provision of full Municipal sanitary sewage and water supply and an appropriate transportation network;

d) Completion of financing policy for urban services and other community infrastructure;

e) An assessment of agricultural capability which considers directing the employment growth district onto those lands which are not, or on lower priority lands, which are designated Agriculture;

f) Demonstrating that impacts from new or expanding employment areas on agricultural operations which are adjacent or close to the employment areas are mitigated to the extent feasible; and,

g) Other studies and policies which the City deems necessary for the development of SPA C as a sustainable, employment growth district.
3.4 In addition to the above, the City shall also prepare a Secondary Plan concurrently with, or immediately following, the approval of the comprehensive amendment. Through this Secondary Plan, the following additional requirements will be required:

a) Sub-watershed plans and Secondary Plan policies/designations related to the protection and/or management of natural heritage features and functions, including a management objectives for storm water infrastructure;

b) The designation of appropriate employment land uses and policies pertaining to the design and density of such uses;

c) Completion of the City Wide Water/Wastewater (Lake Based System) Master Plan, the City-wide Storm Water Master Plan and the City Wide Transportation Master Plan, That will produce a comprehensive infrastructure servicing strategy for proposed urban land uses in SPA C and adjacent urban communities as may be relevant;

d) Completion of Class Environmental Assessments for major urban servicing infrastructure deemed to be essential for commencement or completion of development of all or part of SPA C lands; and,

e) An urban development staging, phasing or implementation strategy in keeping with City-wide Master Plan priorities and Secondary Plan objectives;

3.5 The City shall establish a comprehensive public participation process that will include a Community Liaison Committee comprised of landowners, public agencies and appointed City Councillors to oversee the development of the Secondary Plan referred to in Policy 3.4.

3.6 Coincident with the adoption of a comprehensive amendment the City will repeal SPA C in its entirety.”

(b) That Council request the Minister of Municipal Affairs and Housing to modify the adopted version of Section 3.0, Special Policy Area C Future Employment Growth District, Volume 3, Chapter A, Rural Special Policy Areas of the Rural Hamilton Official Plan should future minor adjustments be made to Special Policy Area C by Ontario Municipal Board Order.

(c) That the following recommendations contained in Report PED06207(a), and as amended by Committee on September 5, 2006, be approved:

(i) That approval be given to Official Plan Amendment No.____ of the former Region of Hamilton-Wentworth, Official Plan Official Plan
Amendment No.___ of the former Town of Ancaster Official Plan; Official Plan Amendment No.___ of the former Town of Dundas Official Plan; Official Plan Amendment No. ___ of the former Town of Flamborough Official Plan; Official Plan Amendment No. ___ of the former Township of Glanbrook Official Plan, and, Official Plan Amendment No.___ of the former City of Stoney Creek Official Plan, to delete the existing policies and land use designations applicable to the Rural Area, as contained in Appendix “A” to Report PED06207.

(ii) That approval be given to the adoption of a new Official Plan, to establish new land use designations and policies for Rural Hamilton (lands outside the urban area), as contained in Appendix “B” to Report PED06207.

(iii) That the General Manager, Planning and Economic Development Department, be hereby authorized and directed to prepare the requisite by-law to amend the Official Plans and to adopt a new Official Plan, in a form satisfactory to the City Solicitor, for presentation to Council.

(iv) That staff be directed to phase-in implementation of the Sustainable Private Water and Wastewater Services policy to permit the development of technical guidelines and reform of program delivery procedures and priorities in the associated Departments;

(v) That staff be directed to investigate and report on home industry issues and options pertaining to rural areas as part of the Agricultural Action Plan project and the update of Official Plan policies governing Industrial Land Use designations.

(vi) That the Ministry of Natural Resources be requested to review and update mapping of Mineral Aggregate Resource Potential Areas to more accurately reflect viable resource areas in relation to major land use issues that preclude or constrain the future development of pits and quarries.

(d) That the maps and schedules in the Rural Hamilton Official Plan be amended to include the following references:

(i) The lands located at No. 10 Lorado Drive, as shown on the attached map marked as Appendix “A” to Report PED06207(a); are subject to a future Consolidated Board hearing matter, and,

(ii) The lands on the west side of Glover Road as well as two scattered sites adjacent to the Winona Urban Community, as shown on the
attached map marked as Appendix “B” to Report PED06207(a), are subject to a future Ontario Municipal Board hearing;

(e) That the Greensville Rural Settlement Area be amended as follows:

(i) the boundary be expanded to include two properties located between Brock and Moxley Roads (shown on Appendix “C” to Report PED06207(a)) and that the lands be subject to the Greenville Rural Settlement Area Sub-watershed Study and the Class Environmental Assessment Process.

(ii) That the Ministry of Municipal Affairs and Housing be requested to defer the subject lands from use for rural settlement purposes, pending the outcome and subject to the findings of the Sub-watershed Study and Class Environmental Assessment processes.

(Sub-section (f) was referred back to the Planning & Economic Development Committee by Council at their meeting on September 13, 2006)

(f) That the request to expand the Kirkwall Rural Settlement Area boundary to the west include the portion of the Walker property and the church manse, as shown on the attached map marked as Appendix “D” to Report PED06207(a) be denied.

(g) That the Mineral Aggregate policies and map in the proposed Rural Hamilton Official Plan be approved and that the Mineral Aggregate Resources Strategy be included in the capital budget proposal for 2007.

(h) That Appendix “A” of Report PED06207 be deleted and replaced with a new Appendix “A”, attached as “Appendix “F” to Report PED06207(a).

(i) That approval be given to minor wording and Schedule changes for the Rural Hamilton Official Plan, as identified in Appendix “G” of Report PED06207(a), and as further amended by Council on September 13, 2006.

Councillor D. Braden requested to be recorded as OPPOSED.

20. G.R.I.D.S. – Twenty Road and Glover Road Lands (City Wide) (PED06365) (Item 8.1)

That Information Report PED06365 respecting GRIDS be received.
THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR INFORMATION:

(a) **CHANGES TO THE AGENDA (Item 10)**

The Clerk advised of the following changes to the Agenda:

(i) Added report-Ancaster Square Community Information Sign, 300 Wilson Street (PED06384) (Ward 12) (Item 5.14)

(ii) Added report – 115 Graham Avenue North and 119 Graham Avenue North, Hamilton. Discussion with Owners to Acquire Properties for Future Park Uses (PED06382) (Ward 4) (Item 5.15)

(iii) Minor administrative amendment to Item 5.7, Option to Purchase, 925, 941 and 0 Nebo Road, Glanbrook, for the Dartnall Road Extension Within the North Glanbrook Industrial Business Park (PED06354) (Ward 11) -On page 1; recommendation (a)(i) should read Lot 13 and not Lot 14.

(iv) Several additional delegation requests, regarding either the new Rural Official Plan or GRIDS. all to address Committee today, added under Item 4,

(v) Item 12.1, Private and Confidential, respecting the Airport Lands, will be moved up to be heard before Item 7.1, the Rural Official Plan

That Planning & Economic Development Committee agenda, for September 5, 2006, was approved, as amended.

(b) **DECLARATIONS OF INTEREST (Item 2)**

None declared at the start of the meeting.

Following the approval of the delegation respecting Pleasantview, Councillor Braden noted that the Official Plan documents for the Rural Area contained a reference to Pleasantview, where he had a conflict, as his wife owned property in the area. He said that should discussion of this area arise, he would refrain from the discussion, and requested that any vote taken should be addressed in separate sections, so that he could refrain from voting on any issue regarding Pleasantview

(c) **APPROVAL OF MINUTES (Item 3)**

That Minutes of the Planning & Economic Development Committee meeting held on August 8, 2006 be approved, as presented.
(d)  Anthony and Janice Tomkins, 4 Thorpe Street, Dundas, respecting Parking Problems and Other Associated Matters on Thorpe Street, Dundas (Item 4.1)

(That the request, by Anthony and Janice Tomkins, to appear before the Planning & Economic Development Committee respecting parking problems and other associated matters on Thorpe Street, Dundas, be approved.)

(e)  Ed Fothergill, Fothergill Planning & Development on behalf of the Ancaster Agricultural Society respecting the new Official Plan for Rural Areas (Item 8.1 of the agenda) (Item 4.2)

Mr. Fothergill is currently discussing the issues with staff, and has withdrawn his request to appear before the Planning & Economic Development Committee.

Committee agreed to this change to the Agenda.

(f)  Ed Fothergill, Fothergill Planning & Development on behalf of clients in the Pleasantview area respecting the new Official Plan for Rural Areas (Item 8.1 of the agenda) (Item 4.3)

Mr. Fothergill is currently discussing the issues with staff, and has withdrawn his request to appear before the Planning & Economic Development Committee.

Committee agreed to this change to the Agenda.

(g)  DELEGATION REQUESTS – New Official Plan for Rural Areas (Item 4)

The following delegation requests, to address Committee respecting the new Official Plan for Rural Areas (Item 7.1 of the Agenda) were approved by Committee;

4.4  Fred Rudolph respecting the Winona Urban Boundary Expansion Section of the new Official Plan for Rural Areas

4.5  James Webb respecting the Greensville Area in the new Official Plan for Rural Areas

4.6  Brian Mills, Norm Labreche, Georgina Beattie, and Brenda Johnson respecting the new Official Plan for Rural Areas

4.6(a) Keith Birch respecting Lands in Pleasantview and Winona in the new Official Plan for Rural Areas
(h) **DELEGATION REQUESTS – GRIDS (Item 4)**

The following delegation requests, to address Committee respecting the GRIDS Report (Item 8.1 of the Agenda) were approved by Committee;

4.7 Elaine Vyn, on behalf of John Demyk
4.8 Carmen Chiaravalle
4.9 Silvestri Investments,
4.10 John Chun

(i) **Acquisition of Property Adjacent to 109 and 113 Graham Street, for a Future Park. (Outstanding Business List – Item “L”, due September 5, 2006)**

*(Bratina/Kelly)*

That Item “L” – Acquisition of Property Adjacent to 109 and 113 Graham Street, for a Future Park, be removed from the Outstanding Business List, as it has been dealt with under Item 5.15

CARRIED

(j) **Introduction of Sue McGrath, the new Manager of the Standards and Licensing Section**

Councillor Pearson introduced Sue McGrath, the new Manager of the Standards & Licensing Section; noting that Sue comes to the City with an extensive background in enforcement, licensing and animal control. Sue has served with the Ontario Provincial Police Force, has been a Municipal Law Enforcement Officer in the City of Mississauga and the Township of Glanbrook and then moved to Stoney Creek as the Supervisor Municipal Law Enforcement and Animal Care and Control Services.

The Committee welcomed Sue to the City of Hamilton.

(k) **Application for a Change in Zoning for Lands Known as 973-975 Queenston Road (Stoney Creek) (PED06350) (Wards 5 and 9) (Item 6.1)**

A Public Meeting was held.

Chair Pearson advised the meeting that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Meeting.
Chair Pearson advised that an added submission, from Vicki Sutherland has been distributed this morning,

Paul Moore outlined the report to Committee.

David Brown, the applicant’s representative, stated that he was in agreement with the recommendations contained in Report PED06350.

The following public speakers were heard:

(i)    Vicki Sutherland, 99 Donn Avenue, Apt. 705, Stoney Creek, L8K 5B2

   • Lives in apartment building directly across from proposed Pizza/Pizza location.
   • Concerned with timing of Notice to Public – notice was received on June 23, 2006 and response was due back to City no later than June 30, 2006. Notification advised that public comments would be welcome, prior to staff decision being put forward in recommendation to Committee – resident feels this was not done adequately
   • Concerned about smell, noise, an increase in traffic, patio and hours of operation.

A petition from residents in opposition to the rezoning application was provided by Ms. Sutherland.

(ii)   Mary Anne Olsen, 971 Queenston Road, Hamilton

   • Proposed location of Pizza/Pizza would be 57’ from her bedroom window and 55’ from here livingroom window; resident likes to leave windows open.
   • Concerned with traffic, smell, noise levels, loitering by youths, hours of operation, patio and possible future liquor licence.
   • Currently experiences loitering and garbage issues from the local Dairy Queen.

Councillor Bruckler noted to Committee that he has met with 25 to 30 residents, and all are opposed to the proposed Pizza/Pizza being approved for this location, for the following reasons:

   • Dangerous intersection.
   • Concerned about increase in traffic.
   • Late hours of operation for the proposed patio would be unacceptable to residents in the area.
• When area zoned in the 1990’s restaurants were not permitted.

Councillor Bruckler is not in support of the recommendations contained in the staff report, but suggested that the applicant consider negotiating with the owners of Fiesta Mall to remain at that location.

Mr. Brown, the applicant’s representative, was asked to confirm the hours of operation for the Pizza/Pizza operation. The hours were confirmed, by Mr. Brown, as follows:

• Sunday through Thursday – open until 11:00 p.m. or 12 midnight.

• Friday and Saturday – can be open as late as 2:00 a.m. Patios close at 11:00 p.m. every night; this is the responsibility of the local Manager.

Councillor Collins advised Committee that he was also aware of a number of issues with the existing tenants) respecting noise and loitering around the variety store He noted that police had attended the site numerous times to remove the youths only to be called back again, as the offenders returned Traffic concerns were also raised by residents in that area.

Councillor Collins requested that the Planning and Economic Development Committee deny the rezoning application.

Committee discussed the matter and denied the rezoning application.

(l) An Application for a Change in Zoning for the Property Located at 11 Lakeside Drive (Stoney Creek) (PED06227) (Ward 11) (Item 6.2)

A Public Meeting was held.

Chair Pearson advised the meeting that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Meeting.

Kristen West outlined the report to Committee.

Councillor Pearson asked for clarification as to whether or not residential homes could be built on Cove. Staff responded that one or two homes could be built on the north/south frontage

Ward Kohlberger, the applicant, addressed Committee and requested clarification as to why they were unable to demolish the current building on the property in order to develop the lot, without going through a rezoning.
Staff responded that the existing property does not have municipal services, and that the zoning is one placed on lands which are to be developed in the future, where changes are anticipated.

Mr. Kohlberger questioned the City’s condition for a 12 to 18 meter road widening dedication. If a municipal road goes through, everyone would benefit, and he objected to donating the land for free.

He requested confirmation that they could develop in the future.

Staff stated that the City has not seen development proposals respecting cul de sacs on the property, and cannot comment on a suitable approach until they have seen a draft plan.

Ron Harrod, 14 Cove Crescent (northeast side)

- Nearest resident to the property – on the northeast corner of Cove Crescent.
- Not opposed to the applicant’s request, but is concerned about the remaining lands.
- He would like clarification as to the outcome of what he will see out his front door once the property is developed.

Staff responded that they will address this matter directly with the resident and added that until such time as the Kohlbergers come forward with a proposal for development, the Neighbourhood plan shows that the road will go through. Staff also clarified that the stormwater management will be serviced as per the appropriate Master Plan.

(iii) Paul Molnar, 515 Jones Road

- The property has been for sale since the 1990’s, several developers have had the opportunity to purchase and develop the lands but nothing has happened. Mr. Molnar is requesting that the Committee approve staff’s recommendations and that the owners be permitted to develop their land.

Committee approved the staff recommendation.

(m) Applications for Approval of a Draft Plan of Subdivision “Timothy’s Walk” and Change in Zoning for Lands Located at 205 Queensdale Avenue East (Hamilton) (PED06347) (Ward 7) (Item 6.3)

A Public Meeting was held.
Chair Pearson advised the meeting that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Meeting.

Chair Pearson advised that added submissions from Dr. Rick Csiernik, 125 East 8th street and from Leonard Varrasso have been distributed.

Greg MacDonald outlined the report to Committee.

Al Frasina, the applicant, stated that he is satisfied with the recommendations contained in the staff report.

(ii) Leonard Varrasso, 40 Southill Drive, Hamilton

- Report PED06347 includes a petition in-favour, which was submitted on or about June 22, 2006, although the cut-off point for submissions was some time in March 2006. Mr. Varrasso would like the petition to not be considered.
- Not opposed to development, but is opposed to the number of units in the back portion of the proposal.
- Concerns as to why the owner was not requested to cut grass or provide a safety fence.

(iii) Mr. John Bergez, 32 Southill Drive

- Over crowding in the neighbourhood is not good.
- Concerned about increase in traffic and safety of pedestrians.
- Not satisfied with the timing of Notice to the Public and the amount of time public is provided to respond.

(iv) Brenda Duke, 202 Queensdale Avenue

- Concerned about additional littering and dumping of trash in the area.
- No fencing around the site
- Loitering problems
- Does not have an issue with developing the area, in fact would like to see the neighbourhood developed, but does have concern with the number of units.
- Would like staff to consider an approach that does not diminish the value of the existing single family homes across the street.

(v) Chris Alleby

- In favour of development, but would like to see a lower density.
• Does not believe that the addition of 20 or 30 houses would create traffic issues.

(vi) Brenda Blackwood, 158 East 8th Street, Hamilton

• Lives across the street and had numerous parking issues when school was there. However, she does not believe that traffic would be an issue with the new proposed development, as residents would have driveways and garages.
• Resident believes that the Frasina brothers are listening to residents’ concerns and would like the development to work for everyone concerned.
• As past Co-chair of the Parent Council for the Timothy Christian School, she clarified that the school did not close because of proposed development. Ms. Blackwood also clarified that the letter, which was sent by the Principal of the school was sent on a positive note, as additional residents would mean additional children and enrollment in the school.

Councillor Kelly noted that although there are concerns with traffic in the area, we do not design neighbourhoods in the same way we did in the past; noting that we need to be flexible in order to achieve balance between neighbourhood concerns and the requirements of the Province regarding intensification.

Councillor Kelly noted that he understood the concerns about density and property values, but also does not want this property to remain vacant for an indefinite amount of time.

(Kelly/Merulla)
That consideration of Report PED06347 be deferred to the September 19, 2006 meeting of the Planning and Economic Development Committee in order that staff may work with residents and the Ward Councillor in an effort to address concerns.

CARRIED

(n) Application for a Change in Zoning for Lands Located at 1286 Upper James Street (Hamilton) (PED06345) (Ward 8) (Item 6.4)

A Public Meeting was held.

Chair Pearson advised the meeting that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Meeting.

David Falletta outlined the report to Committee.
John Yanover, the applicant’s agent, advised that he was satisfied with the staff recommendation.

No members of the public came forward to address Committee on the matter.

Committee discussed the matter and had additional information supplied by staff. Councillor McHattie asked how the proposal would fit into the GRIDS concepts, as approved by Council, particularly as the site is located on a busy arterial road. Staff explained that GRIDS is a long term strategy and that its implementation would be subject to a gradual transition.

Chair Pearson noted that the Public Meeting was now concluded

(Whitehead/Merulla)
That consideration of Report PED06345 be deferred to the September 19, 2006, meeting of the Planning and Economic Development Committee in order that staff may review options, in the Secondary Plan, for more mixed use; possibly involving affordable housing, for the Upper James area.

CARRIED

Staff was directed, at the request of Councillor Whitehead, to provide a report to the Planning and Economic Development Committee with respect to the timelines of the Secondary Plan (Upper James area) and the history of its review.

(o) Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at the Rear of 819 Rymal Road East (PED06346) (Ward 7) (Item 6.5)

A Public Meeting was held.

Chair Pearson advised the meeting that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Meeting.

Greg MacDonald outlined the report to Committee.

Mr. Frasina, the applicant, stated that he was satisfied with the recommendations contained in the staff report.

No members of the public came forward to address Committee.

Committee approved the staff recommendation.

(p) Update respecting Airport Employment Lands, presently before the Ontario Municipal Board) (Item 12.1)
Chair Pearson explained that this change in the order of the Agenda was to receive legal advice, prior to the consideration of the Rural Official Plan

(Bratina/Mitchell)

That Committee move In Camera to receive an Update respecting Airport Employment Lands, presently before the Ontario Municipal Board.  

CARRIED

(Merulla/Braden)

That Committee reconvene in Open Session.  

CARRIED

(q) Addendum – Official Plan Amendments and New Official Plan – Rural Hamilton (PED06207(a)) (City Wide) (Item 7.1)

Chair Pearson advised that a written submission from Walker Nott Associates respecting Famous People Players in Ancaster, had been distributed this morning.

Michelle Sergi provided an overview of the report to Committee.

Chair Pearson then invited the speakers who had been approved by Committee to come forward, and cautioned them not to repeat points made previously, but to concentrate on the matters addressed in the staff report.

(i) Fred Rudolph respecting the Winona Urban Boundary Expansion Section of the new Official Plan for Rural Area (Item 4.4)

- Mr. Rudolph clarified to Committee that he wished to speak, on behalf of his clients, with respect to the SCUBE area, the Ponderosa Nature Resort and the Greensville area. He is in agreement with the City’s position on SCUBE.
- Mr. Rudolph noted that he has matters before the Ontario Municipal Board respecting the Ponderosa Nature Resort (OMB File: PL050179), Concession 8, Part Lot 34 in the former Town of Flamborough, and an application that was put forward in 1994 (OMB File: PL0505097). He noted that he had reviewed the staff report and the OP documents. He explained that should there be any policies that he and his clients were not aware of, in the new Rural Official Plan policies that might affect these two properties, that he reserved his right, pursuant to the Planning Act, to appeal these sections of the Plan.

(ii) James Webb respecting the Greensville Area in the new Official Plan for Rural Areas (Item 4.5)
• Noted that the Coreslab property, on page 7, Item D, #2 of Report PED06207(a)) would be a possible conflict; since the new Plan proposes it to be Rural and it is currently in the Urban Area.

• Staff agreed to review and report back before the matter goes to Council on September 13, 2006.

• With respect to the Greensville area, he realizes that this is a highly sensitive hydro-geologic setting and proposed that his clients’ lands should be included in the City’s studies.

• He proposed that the lands be used for creation of added employment areas, which in turn will help achieve the municipality’s goals of creating complete communities.

Committee asked additional questions of the presenter. Mr. Webb responded, noting that the property is not intended or appropriate for residential use, due to the presence of the quarry. He noted that the property was currently within the greenbelt but would be better used for a range of light, dry industrial such as warehousing, fabrication, or processing. Committee then passed an amendment to the staff recommendation to include Greensville.

(iii) Norm Labreche, respecting the Winona Urban Boundary Expansion Section of the new Official Plan for Rural Area (Item 4.4)

Mr Labreche addressed Committee and expressed his concerns about the way the Plan shows the Winona Urban Boundary as a “blob”. He requested that the boundary be properly established and shown on the Plan.

(iv) Brenda Johnson respecting the Winona Urban Boundary Expansion Section of the new Official Plan for Rural Area (Item 4.4)

Ms Johnson addressed Committee and expressed her concerns about the Winona “blob”. She noted the need for clarification regarding the boundary.

(v) Georgina Beattie respecting the Winona Urban Boundary Expansion Section of the new Official Plan for Rural Area (Item 4.4)

Ms Beattie addressed Committee and expressed her concerns about the Winona “blob”. She noted the need for clarification regarding the boundary. Ms Beattie and raised a number of concerns about the way in which the report and its appendices were made available to the public.
Committee discussed the issues raised by the delegations respecting the situation with Winona, and had further information provided by staff. Councillor McHattie asked staff to provide information respecting the steps which would be required for a reconsideration of the previous Council decision, made on March 10, 2004.

(vi) Keith Birch respecting Lands in Pleasantview and Winona in the new Official Plan for Rural Areas (Item 4.6a)

Mr Birch addressed Committee and recommended that the City take a position on the Winona issue. He also recommended that there be no further studies regarding Pleasantview, but that if any changes are being considered, that the local ratepayers group be kept informed.

Committee then agreed to hear an additional delegation, from Sergio Manchia.

(vii) Sergio Manchia respecting Lands in Winona in the new Official Plan for Rural Areas (Added Item)

Mr. Manchia addressed Committee and explained that he wanted the Winona area to be Urban, but recommended that the City stay its course on this matter at the upcoming Consolidated Hearing.

Committee then finalized amendments to the staff recommendation, including the change to the Greensville Settlement Area, and the addition of changes regarding the Airport lands. The staff recommendation, as amended, was then approved.

Chair Pearson then thanked all the presenters.

Councillor Braden then addressed Committee, respecting the policies contained in the new Rural Official Plan respecting rural industry. A wooden canoe, handmade in the rural area of Flamborough was brought into the Chamber, at the request of Councillor Braden, to illustrate the points he was addressing. He said that the rural economy, particularly related to agriculture, was suffering and that opportunities for employment should be made more flexible. This would be in accord with the philosophy of GRIDS. Councillor Braden argued that there was a need to provide a mix of employment opportunities, and that there are both existing and potential small businesses in the rural area who needed encouragement from government. He emphasized the need to allow the diversification of the rural economy, to allow additional jobs for people. Councillor Braden noted that a policy put in place by the former Town of Flamborough had legalised a number of rural businesses, with the result that over 150 jobs had been made available. He suggested that Hamilton could follow a similar policy,
and that a lack of enforcement staff should not be a sufficient argument to decide against this proposal.

Councillor Braden requested that the record should show that he had spoken as a member of the public regarding the Rural Official Plan, both at this meeting and at the Public meeting in June, 2006.

(r) G.R.I.D.S. – Twenty Road and Glover Road Lands (City Wide) (PED06365) (Item 8.1)

Steve Robichaud provided an overview of the report, explaining that it had been Council’s direction to staff to consider the Twenty Road area, and to report back to Committee. He explained that the report did not contain any recommendations, and that the Council decision of May 24, 2006, was not being changed.

(i) Elaine Vyn, on behalf of John Demyk respecting the GRIDS Report (Item 4.7)

Ms Vyn read from a prepared statement, a copy of which was provided to the Clerk for the public record. She explained her family’s reasons for requesting that their lands within the Twenty Road area be included within the GRIDS Area.

(ii) Carmen Chiaravalle respecting the GRIDS report

Mr Chiaravalle’s spoke to his submission, and to the additional submission which had been distributed this morning and explained the top ten reasons he believes that Option #5, Nodes and Corridors (Elfrida) should not be considered for development. He added that feels the GRIDS process was unfair, in various aspects, and that his lands should be included.

(iii) Silvestri Investments

Mike Bryan addressed Committee and read from a letter, a copy of which was given to the Clerk for the public record. He explained that while Silvestri supports GRIDS in general, their lands in the Twenty Road Area should also be included.

(iv) John Chun

Mr. Chun addressed Committee and explained that he supports GRIDS. He suggested that it makes sense to provide a range of housing in different locations across the City, so people can choose to live in close proximity to where they work. He suggested that the Twenty Road area should be included, on this basis.
Committee then agreed to hear an additional delegation, from Angel Cameracci.

(v) Angelo Cameracci

Mr. Cameracci addressed Committee and explained that his client, Tony DiSilvestro, was in favour of GRIDS and supported the approved areas. He requested that Council now move forward with implementing the GRIDS process.

Committee discussed the matters raised in the report and the points made by the speakers. Committee approved the staff report and received the written submissions. Chair Pearson thanked all the speakers.

(t) Hamilton LACAC (Municipal Heritage Committee) Report 06-002 – Proposed By-law to Prevent Demolition by Decay of Heritage Properties (Item 8.2)

As Councillor McHattie had left to attend another meeting, Committee tabled the report until their next meeting.

(u) MOTIONS (Item 9)

None

(v) NOTICES OF MOTIONS (Item 10)

None

(w) Business Development Mission to China (Outstanding Business List – Item G”, due September 5, 2006) (Item 11.1)

Neil Everson gave an update on the progress of this matter, and noted that it would be included in the Work Plan for next year. By Motion, Committee removed the item from the list as it will be dealt with in the work plan for 2007, and will become part of the budget process.

Councillor Mitchell then addressed the matter of the faster than expected rate of growth in the Winona and Binbrook areas, and asked staff to report back on the servicing impacts of this rate of growth.

(x) ADJOURNMENT

On a Motion, Committee adjourned at 3:40 p.m.
Respectfully submitted,

Maria Pearson, Chair
Planning & Economic Development Committee

Alexandra Rawlings, Co-coordinator
Planning and Economic Development Committee
September 5, 2006